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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,449	12/30/1999	David Johnston LYNCH	RCA-89-8931	6338

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THOMSON LICENSING INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,449

Applicant(s)

LYNCH, DAVID JOHSTON

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/26/04 have been fully considered but they are not persuasive. The applicant argues on page 7 of the response that Collings does not disclose nor suggest "at least one previously used override list including at least one previously used override instruction wherein said previously used override instruction is able to be recalled for use in setting a new override instruction". The examiner respectfully disagrees with that assertion. The examiner takes a broader read of the claim. The user is able to remember/recall the previously used override and re-enter the previously used override (Collings: Sleep 1.0: column 17, lines 1-32) into the system since the system does not preclude said user from entering such previously used information (Sleep 1.0). Claim 25 states a memory for storing the at least one override instruction, but does not state a memory for storing the at least one previously used override instruction. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storing previously used override instructions in memory) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 16-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (US Patent # 5,828,402).

Regarding claim 16, Collings discloses at least one viewer profile (store preferences: column 16, lines 19-41 and enter access code: column 16, lines 50-60; figure 5A) establishing a set of limits for blocking selected images from viewing or recording (column 2, line 66-column 3, line 25).

Collings discloses at least one member of the set selected from the group comprising: program ratings, channel, total view-time, time of day (column 17, line 33-column 18, line 19; figures 5C, 5D, 5E, 5F, 5G, 5H, 5I, 6; also see column 16, lines 61-67).

Collings discloses at least one override list 90 (figure 5B) including at least one override instruction applicable to at least one member of the set such that the at least one member is modified while the override instruction is active (column 17, lines 1-32).

Collings discloses at least one previously used override list 90 (figure 5B) including at least one previously used override instruction (SLEEP 1.0) wherein the previously used override instruction (SLEEP 1.0) is able to be recalled (the user is able to remember and reset override to SLEEP 1.0) for use in setting a new override instruction (column 17, lines 1-32).

Regarding claim 20, Collings discloses the override list 90 (figure 5B) includes a set of override parameters to be applied to the viewer profile (column 16, line 50-column 17, line 32).

Regarding claim 21, Collings discloses at least one of the override parameters is selected from the group comprising: program ratings, time of day, channel, total view time, scene ratings, spending (figure 5B).

Regarding claim 22, Collings discloses means to display to a viewer a status of the override list (column 17, lines 1-32; figure 5B).

Regarding claim 23, Collings discloses the menu of overrides and their respective statuses as enabled or disabled (column 17, lines 1-32; figure 5B), which meets the limitation on means to display to a viewer a status of at least one of the override parameters.

Regarding claim 24, which meets the limitation on Collings discloses at least one apparatus 20 selected from the group comprising: television receiver, cable box, VCR tuner (column 3, lines 17-44).

Regarding claims 25-26, the limitations in claims 25-26 have been met in claims 16, 20-24 rejections. Collings discloses a memory 58 for storing at least one override instruction (column 17, line 58-column 18, line 4).

Regarding claims 27-29, the limitations in claims 27-29 have been met in claims 16, 20-26 rejections. Collings discloses a supervisor to set blocking (column 16, lines 50-60). Collings discloses a memory 58 for automatically storing at least one override instruction (column 17, line 58-column 18, line 4).

Regarding claim 30, the limitations in claim 30 have been met in claims 16, 20-26 rejections.

Regarding claims 31-32, the limitations in claims 31-32 have been met in claims 16, 20-26 rejections. Collings discloses parental control circuitry to set blocking (column 16, lines 50-

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60). Collings discloses recalling at least one override list from the memory 58 (column 17, line 58-column 18, line 4).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (571) 272-7292. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC


HAITRAN
PRIMARY EXAMINER